

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: June 18, 2009

SPEX 2008-0059 – DULLES TRADE CENTER WEST

DECISION DEADLINE: July 21, 2009

ELECTION DISTRICT: Dulles

PROJECT PLANNER: Marchant Schneider

EXECUTIVE SUMMARY

KYL–Mirkey Holdings, LLC, of Sterling, Virginia, has submitted an application for a special exception to permit storage of empty solid waste vehicles and containers in the PD-GI (Planned Development – General Industry) zoning district. The proposed use will support a by-right contractor service establishment providing fleet maintenance and administrative offices for KMG Hauling Inc. (KMG), a professional refuse management and disposal service.

The subject property is approximately 4.69 acres in size and is located on the north side of Trade West Drive, west of Arcola Road (Route 842) and north of Evergreen Mill Road (Route 621), near the village of Arcola. (*See Vicinity Map, page 3*).

The area is governed by the policies of the Revised General Plan (Suburban Policy Area - Dulles Community) which designate this area for Industrial uses. The application is subject to the Revised 1993 Zoning Ordinance and the proposed use is listed as a Special Exception use under Section 4-604(TT). The property is also located within the AI (Airport Impact) Overlay District, within the Ldn 65 or higher aircraft noise contour, and partially within the FOD (Floodplain Overlay District).

RECOMMENDATIONS

Staff Recommendation

Staff recommends that the Planning Commission forward the proposed application to a Planning Commission worksession for further review and discussion of the conditions of approval for the special exception application; specifically, transportation improvements and stormwater management.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward SPEX 2008-0059, Dulles Trade Center West, to a subsequent worksession for further discussion.

OR,

2. I move that the Planning Commission forward SPEX 2008-0059, Dulles Trade Center West, to the Board of Supervisors with a recommendation of approval, subject to the Conditions of Approval June 18, 2009.

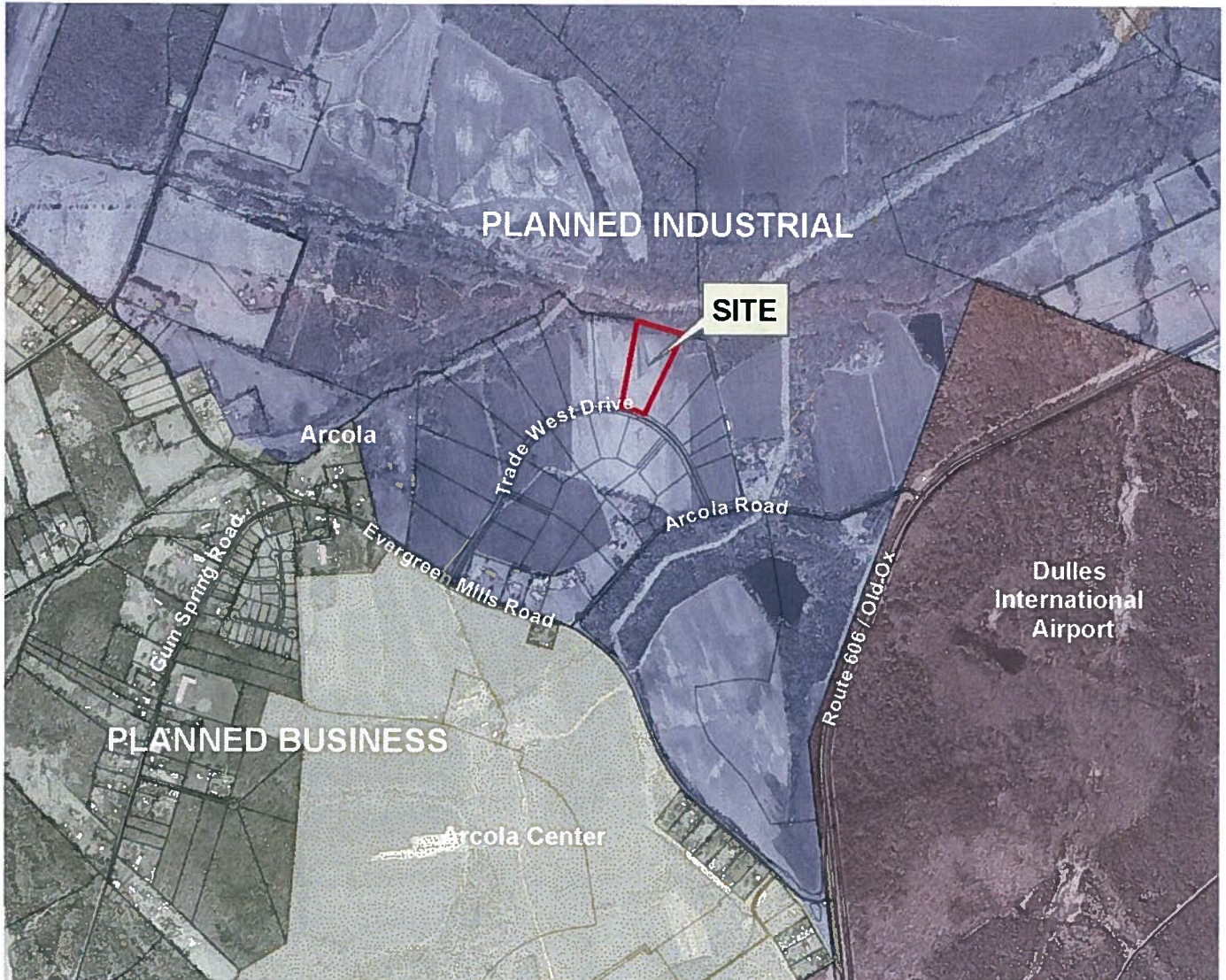
OR,

3. I move that the Planning Commission forward SPEX 2008-0059, Dulles Trade Center West, to the Board of Supervisors with a recommendation of denial.

OR,

4. I move an alternate motion.

VICINITY MAP



Directions:

From Leesburg, take Route 15 south to Evergreen Mills Road (Route 621) to Arcola. Follow Evergreen Mills Road approximately ½ mile and turn left onto Trade West Drive. The property is located approximately ¼ mile from the intersection on the north side of Trade West Drive.

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I. APPLICATION INFORMATION

APPLICANT KYL – Mirkay Holdings, LLC
Hugo Garcia, President
P.O. Box 650821
Potomac Falls, VA 20165

REPRESENTATIVE Walsh, Colucci, Lubeley, Emrich and Walsh
Michael Romeo, AICP
1 East Market Street, Third Floor
Leesburg, Virginia 20176

APPLICANT'S REQUEST **Special Exception** to permit storage of empty solid waste vehicles and containers. The application was accepted on January 26, 2009.

LOCATION North side of Trade West Drive, South of Broad Run, approximately 1/3 mile north of the intersection of Evergreen Mills Road (Route 621) and Arcola Road (Route 842)

TAX MAP/PARCEL # Tax Map /101///7/////6/ PIN 161-18-5429

ZONING PD-GI (Revised 1993 Zoning Ordinance)

ACREAGE OF SITE 4.69

SURROUNDING ZONING/ LAND USES

	ZONING	PRESENT LAND USES
NORTH	PD-GI	Vacant
SOUTH	PD-GI	Vacant
EAST	PD-GI	Vacant
WEST	PD-GI	Vacant

II. REFERRAL AGENCY COMMENT SUMMARY

TOPIC / ISSUE AREA	ISSUES EXAMINED AND STATUS
Comprehensive Plan	<ul style="list-style-type: none"> o Consistency with land use policies of the <u>Revised General Plan</u> (RGP) (Suburban Policy Area, Dulles Community), <u>Revised Countywide Transportation Plan</u> (Revised CTP, and the <u>Dulles North Area Management Plan</u> (DNAMP). Status: No Issue. Empty solid waste vehicle and container storage consistent with Industrial use designation. o Employ low-impact development techniques to dissipate, filter, and treat surface water runoff prior to reaching 100 year floodplain and receiving stream. Status: Condition of Approval recommended (Condition 5) o Develop spill mitigation plan that includes information on secondary containment, treatment, and emergency response plan for storage and dispensing of diesel fuel on subject site. Status: Resolved. Per zoning determination, separate special exception application not necessary. Fuel storage will serve fleet operations. FSM design standards applicable at site plan. o Provide legible copies of final Phase 2 and Phase 3 archeological reports for site 928-1 and cemetery delineation located within Dulles Trade Center West development. Status: Resolved. Copies provided. No further archaeological investigations recommended. o Describe wash-down procedures for solid waste vehicles and roll off containers. Status: Condition of Approval recommended (Condition 4) o Provide perimeter fencing/landscaping to screen proposed uses from adjacent properties. Landscaped area to be maintained for the life of the project. Status: Condition of Approval recommended (Condition 3 and 7). o Reduce/mitigate light trespass of proposed uses. Status: Condition of Approval recommended (Condition 6).
Environmental Review	<ul style="list-style-type: none"> o Storage of bulk gasoline, petroleum, and empty solid waste vehicles and containers identified as stormwater hotspots within FSM. Provide Stormwater pollution prevention plan / management options. Status: Condition of Approval recommended (Condition 5). o Specify green building design elements. Status: No issue. Storage area designed around Green Infrastructure identified onsite (steep slopes, river and stream corridor) and will incorporate BMP/LID stormwater management techniques. o Depict Dominion Virginia Power Easements on subject property. Status: Resolved by plat revision o Provide secondary containment to capture fuel spillage. Status: Resolved. Per zoning determination, separate special exception application not necessary. Fuel storage will serve fleet operations. FSM design standards applicable at site plan.
Zoning	<ul style="list-style-type: none"> o Notation, graphic, zoning reference, and tabular revisions. Status: Resolved by Plat revision.

**SPEX 2008-0059 – DULLES TRADE CENTER WEST
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TOPIC / ISSUE AREA	ISSUES EXAMINED AND STATUS
	<ul style="list-style-type: none"> o Special Exception required for storage and sale of bulk gasoline. Status: Resolved. Bulk storage of gasoline on subject site for contractor operations only. Special Exception not required and has been withdrawn by the Applicant
Transportation	<ul style="list-style-type: none"> o Access to Arcola Road (Route 842) restricted. Two connections to the regional road network are recommended. Status: Applicant to respond to OTS recommendation o Identify whether intersection improvements at Evergreen Mills Road and Arcola Road are necessary to support Dulles Trade Center West at buildout. Status: Applicant to respond to OTS recommendation. o Identify pedestrian facilities adjacent to Lot 6 along Trade West Drive. Status: Applicant to respond to OTS recommendation. o Notation, graphic, tabulation revisions to TIA recommended. No VDOT 527 study required. Status: Resolved.
Office of Solid Waste Management	<ul style="list-style-type: none"> o Proposed storage facility subject to Chapter 1084 of the Codified Ordinances of Loudoun County ("Solid Waste Collection and Transportation Ordinance"). Status: Resolved by plat revision. o Collection vehicles and containers should not to be permitted on subject site prior to zoning permit approval for proposed use. Status: Condition of Approval recommended (Condition 2).
Emergency Services	<ul style="list-style-type: none"> o Adequate Emergency Services available. Status: No issues.
County Attorney	<ul style="list-style-type: none"> o Development conditions review and approval to legal form. Status: In progress
Disclosure of Real Parties	<ul style="list-style-type: none"> o Received, dated May 12, 2009

POLICY OR ORDINANCE SECTIONS SUBJECT TO APPLICATION
<u>Revised General Plan</u>
Countywide Transportation Plan (CTP)
Dulles North Area Management Plan (DNAMP)
Chapter 5 / Surface Water Policies, text, Policy 2, 5, 17, 21
Chapter 5 / Lighting and the Night Sky, text, Policy 1a
Chapter 6 / General Industrial Use Policies, Policy 2
Chapter 7 / Planned Land Use Map
Chapter 11 / General Industry, Policies 8a, 8d
<u>Revised 1993 Zoning Ordinance</u>
Section 4-600: Planned Development - General Industrial
Section 5-1504: Light and Glare Standards
<u>Codified Ordinances of Loudoun County</u>
Section 1080: Solid Waste Management Facilities Ordinance
Section 1084: Solid Waste Collection and Transportation Ordinance

III. Conclusions

1. The proposed special exception for storage of empty solid waste vehicles and containers is consistent with the existing land use policies of the Revised General Plan (RGP) for the subject area (Suburban Policy Area – Industrial Use). Subject to the prescribed development conditions, the proposed special exception use will be in accordance the RGP.
2. The proposed special exception for storage of empty solid waste vehicles and containers is in accordance with the Revised 1993 Zoning Ordinance.
3. The special exception application complies with the policies of the Revised Countywide Transportation Plan. The proposal will generate fewer vehicle trips than the by-right trip generation potential; however, the Applicant's response to noted administrative revisions regarding the Traffic Impact Analysis continues to be reviewed by Staff.
4. The special exception application proposes stormwater management measures and water resource management buffers in order to preserve appropriate environmental resources on the subject Property and minimize impacts on state waters and wetlands; however, the type and extent of the proposed measures continues to be discussed by the Applicant and Staff.

IV. DRAFT SPEX CONDITIONS OF APPROVAL (June 18, 2009)

Staff recommends the following conditions of approval in accordance with the applicable land use policies of the Revised General Plan. These conditions continued to be discussed with the Applicant; specifically, stormwater management measures and transportation improvements and access for the subject site. Staff will provide a status report to the Planning Commission public hearing identifying what revisions, if any, have been made in consultation with the applicant and County staff.

1. **Substantial Conformance.** The proposed storage of empty solid waste vehicles and containers shall be developed in substantial conformance with Sheets 1 and 2 of the Special Exception Plat for SPEX 2008-0059, Dulles Trade Center West, Lot 6, prepared by Tri-Tek Engineering, dated March 7, 2008, revised through June 1, 2009, (the "Plat") and the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance"). Approval of this application does not relieve the Property of any Zoning Ordinance, Codified Ordinance, or any other regulatory requirement.
2. **Uses Permitted.** Approval of the Special Exception grants approval for storage of empty solid waste vehicles and containers, as defined by the Revised 1993 Loudoun County Zoning Ordinance, in the PD-GI (Planned Development – General Industrial) Zoning District. Storage of empty solid waste collection vehicles and containers shall not be permitted prior to 1st zoning permit approval for the special exception

use. Maintenance of solid waste collection vehicles and containers shall not be permitted within the storage area.

3. **Fencing.** The Applicant shall install a fence or other opaque screening at least six feet (6') in height along the southern, eastern, and western boundaries of the empty solid waste vehicle and container storage area. The Applicant shall either install an earthen berm at least thirty inches (30") in height or a fence at least three feet (3') in height along the northern boundary of the empty solid waste vehicle and container storage area.
4. **Wash Down.** The Applicant shall empty and wash debris residue from the solid waste vehicles and containers prior to storage within the empty solid waste vehicle and container storage area.
5. **Low Impact Design (LID) Measures.** The Applicant shall provide Low-Impact Development (LID) design measures for the empty solid waste vehicle and container storage area as identified on the Stormwater Management Exhibit, prepared by Tri-Tek Engineering, dated April 3, 2009, revised through June 1, 2009, and shall work with the County to implement such measure(s) deemed likely to be effective based on the physical characteristics of the subject property. The LID measure(s) will be designed and implemented in accordance with applicable provisions of the Facilities Standards Manual (FSM).
6. **Lighting.** Site lighting shall conform to Section 5-1500 of the Revised 1993 Loudoun County Zoning Ordinance and Sections 7.110 and 7.120 of the Facilities Standards Manual (FSM). The following standards shall also apply:
 - a. **Light Fixtures.** Empty solid waste vehicle and containers storage area lighting fixtures shall be cut-off and fully shielded and shall direct light downwards and into the interior of the storage area and away from surrounding public roads and properties. Low-pressure sodium lamps shall be prohibited. Said lighting shall not exceed a maximum average illumination of two (2) foot-candles at ground level during non-business hours unless otherwise required by law, ordinance, or regulation.
 - b. **Height of Light Fixtures.** The mounting height of any light fixture shall not exceed 20 feet. Height shall be measured from the ground to the bottom of the light fixture.
7. **Landscaping Maintenance** – Landscaped areas shall be maintained in good condition and health by the Applicant or applicable property owners association for the life of the planted material.

V. PROJECT REVIEW

A. CONTEXT

The Applicant has submitted an application for a special exception to permit storage of empty solid waste vehicles and containers in the PD-GI (Planned Development – General Industrial) zoning district. The area is governed by the policies of the Revised General Plan (Suburban Policy Area - Dulles Community) which designate this area for Industrial uses.

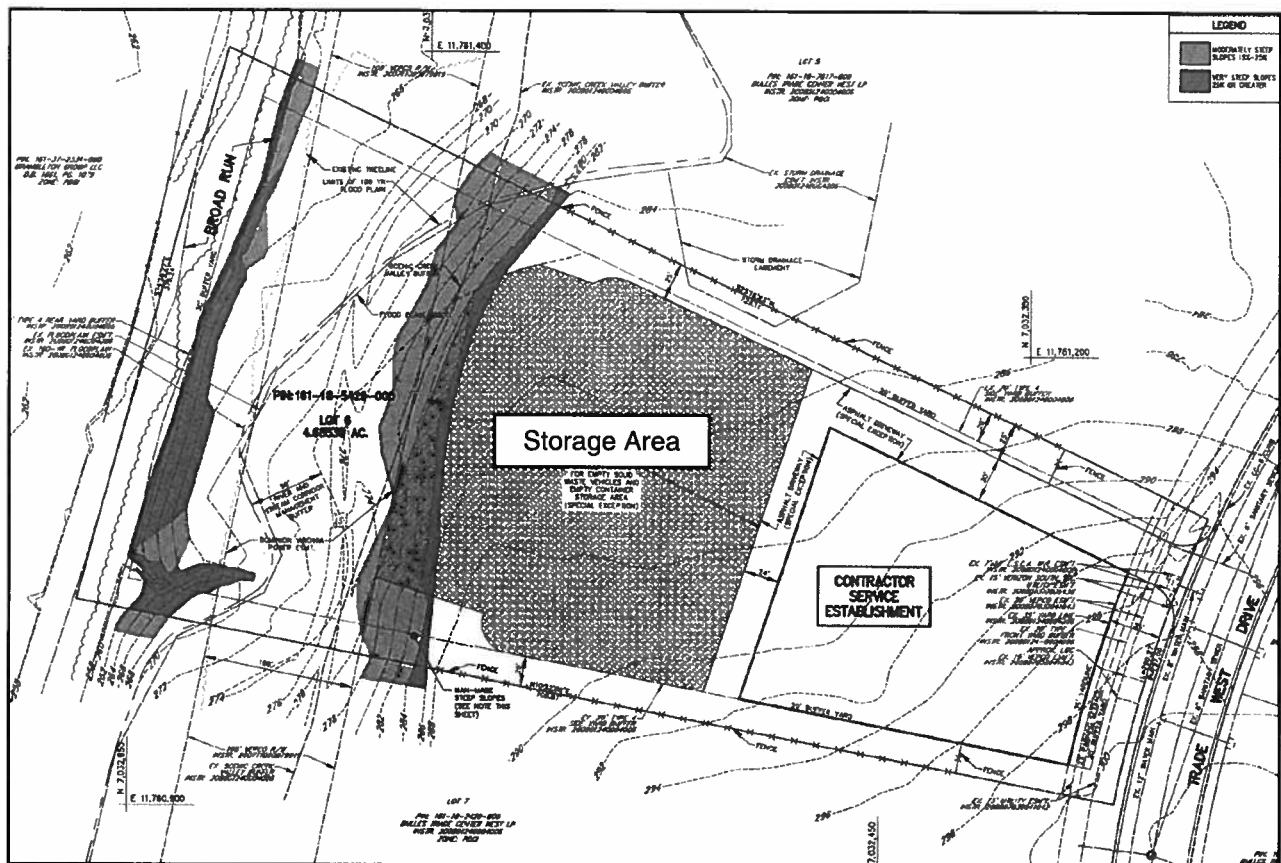


Figure 1. Special Exception Plat

Location

The approximately 4.96 acre parcel is located in the Dulles Community of the Suburban Policy Area on the north side of Trade West Drive, west of Arcola Road (Route 842) and north of Evergreen Mill Road (Route 621), near the village of Arcola.

The subject site is located within the Dulles Trade Center West development (Lot 6), a by-right development that is comprised of approximately 90 acres divided into 29 building lots. Many of the lots within the development have already been purchased; however, to date no buildings have been constructed within the development.

Dulles Trade Center West is generally bound by Broad Run to the north, South Fork Broad Run to the west, Arcola Road to the east, and Evergreen Mills Road to the south. The Village of Arcola is located west of the development. The Dulles International Airport is located to the southeast. (*See Vicinity Map, page 3*).

Proposed Development

The proposed outdoor storage yard will be operated by KMG Hauling Inc. (KMG), a professional refuse management and disposal service. The front portion of the subject site will be occupied by a by-right contractor service establishment, which will provide fleet maintenance and administrative offices for KMG. The proposed special exception use will occupy a 1.2 acre (55,505 square foot) gravel parking located at the rear of the site.

KMG will be relocating to this site from Bryant Court in Sterling. KMG has been issued NOV's (Notices of Violation) by the Office of Solid Waste Management and Zoning Administration for operating the Sterling location without a SPEX permit and collector's permit.

Transportation

The subject parcel will be accessed via Trade West Drive. Trade West Drive connects to Evergreen Mills Road west of Arcola Road. At build out, the project will generate approximately 43 daily employee trips in the AM and PM peak hour. Peak hour trips generated by the proposed use will be less than the by-right trip generation potential for light industrial uses. Due to the operating hours of fleet operations for refuse and disposal services (4am departure, 11am-4pm return), solid waste vehicle trips are not anticipated during weekday peak hours.

Site Conditions

Major floodplain and forest cover are present on the western portion of the site which includes the stream channel of Broad Run. The eastern edge of the floodplain is also marked by a 100' utility corridor easement maintained by Dominion Virginia Power. The remainder of the site has been extensively filled, graded and elevated with man-made steep slopes adjoining the utility corridor. No ground-disturbing activities are proposed on the site beyond those areas which had been previously graded. In addition, the property lies less than a mile from Dulles International Airport, within the LDN 65 airport noise contour.

B. SUMMARY OF OUTSTANDING ISSUES

Final conditions of approval continue to be discussed with the Applicant; specifically, stormwater management measures and transportation improvements. Staff will provide a status report to the Planning Commission public hearing identifying what updates, if any, have been made in consultation with the Applicant and County staff.

C. OVERALL ANALYSIS

REVISED GENERAL PLAN (RGP)

Land Use

As noted above, the subject site is located with the Dulles Trade Center West development that is designated by the Revised General Plan (Suburban Policy Area - Dulles Community) for Industrial use. Activities associated with Industrial uses typically generate noise and emissions which them incompatible with noise-sensitive, non-industrial uses (i.e. schools, residential developments, recreation facilities, etc.) RGP policies state such uses best located away from major roads, accessed from within the industrial park, and limited to a minor portion of a larger development.

The use of the subject site for a by-right contractor service establishment and the proposed special exception use to store empty solid waste vehicles and roll-off containers at the rear of the site are in conformance with the RGP's vision for Industrial areas.

Site Design

The RGP states that a general industry use should "complement surrounding land uses by means of appropriate arrangement of buildings and service areas, attractive architecture, and effective landscape buffering" (*Revised General Plan, Chapter 11, General Industry, Policy 8a*). Further, buildings are to be the prominent feature of the site when viewed from the road, while outdoor storage and the majority of parking should be located toward the rear of a lot. The layout of the proposed special exception use (to the rear of the service establishment that is located adjacent to Trade West Drive) is consistent with these policies. The Applicant's proposed landscape buffering is described below.

Stormwater Management

The RGP calls for implementation of Low Impact Development (LID) techniques which integrate hydrologically functional designs with existing methods for preventing water pollution. Best Management Practices (BMPs) in conjunction with innovative site designs incorporating LID measures can reduce sedimentation and erosion and

maintain the overall water quality of the Broad Run, its South Fork and its associated tributaries.

Staff recommended the use of bio-retention filter areas, landscaped drainage buffers and other LID techniques to dissipate, filter and treat surface water and stormwater runoff on the subject site. Staff suggested these facilities be located along the perimeter of the proposed parking lot or be incorporated within the landscaped buffers on the rear and sides of the property as part of a larger stormwater and water protection strategy for the site. In response, the Applicant provided a stormwater management exhibit (see Figure 2) identifying storm filters, bioretention filters, and a level spreader with plunge pool¹ to be used to treat and dissipate stormwater from the proposed storage facility prior to entering the Broad Run. The Applicant has agreed to a condition of approval committing to the techniques identified on the exhibit, but not to the exhibit itself. The Applicant and staff continue to discuss an appropriate condition of approval.

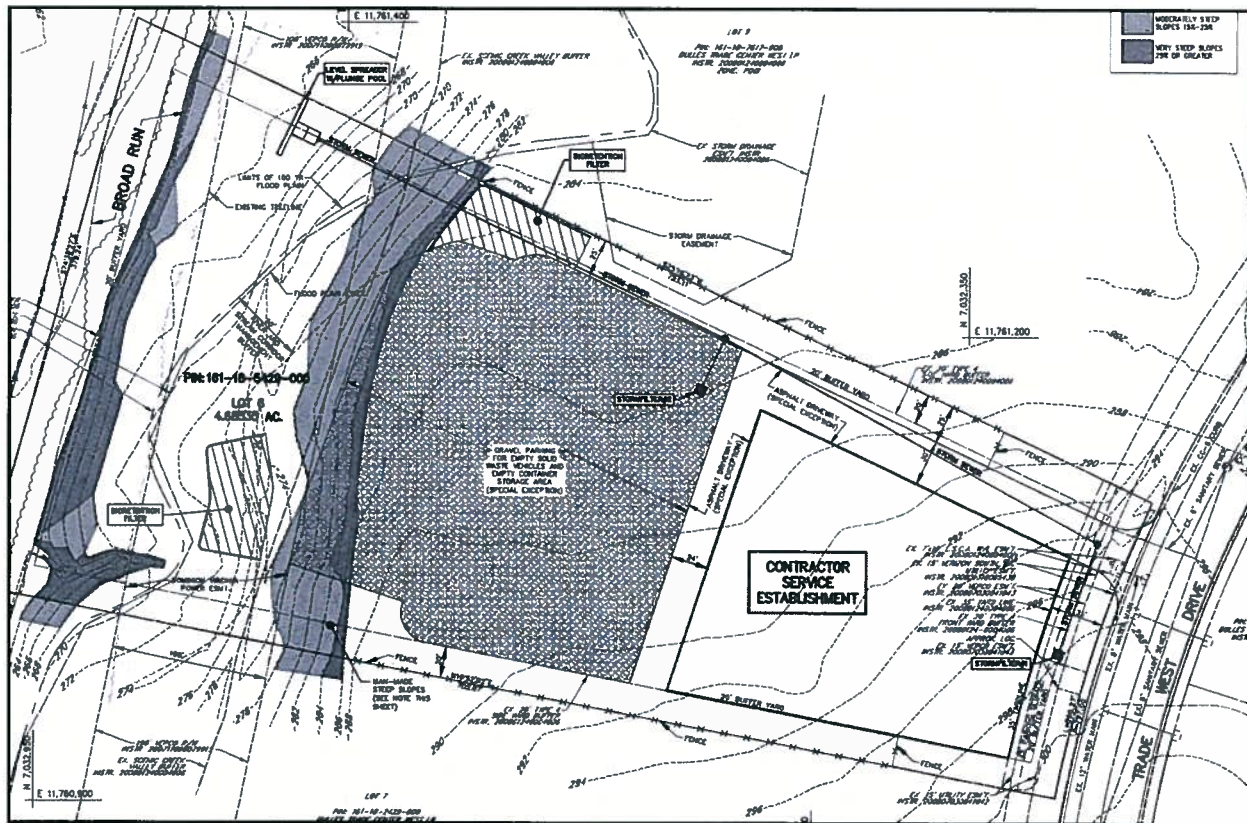


Figure 2. Stormwater Management Exhibit

Water Conservation

¹ A level spreader is used to disperse or "spread" stormwater flows thinly over a vegetated or forested riparian buffer or filter strip. Its purpose is to spread concentrated water over a wide enough area so that erosion of the vegetated buffer or filter strip does not result. The plunge pool serves to dissipate the velocity of entering stormwater.

RGP policies promote water conservation through the use of innovative, cost effective water reuse systems. The Applicant states vehicles and containers will be emptied and washed prior to storage in the storage yard. Staff recommended that all water used to clean the vehicles and containers be captured, cleaned and reused onsite to promote water conservation. In response, the Applicant states vehicles will be washed within the by-right fleet maintenance facility located on the property and that runoff will drain to a sanitary sewer and not a storm sewer. Water reuse and conservation techniques associated with the wash down procedure will be explored during the design of the wash area.

Screening and Buffering

The County requires that all industrial uses provide adequate buffers and protection to mitigate negative impacts associated with the effects of noise, vibration, odor or other emissions which can be associated with industrial uses. Specifically, the RGP calls for the use of landscaping buffers to break up monotonous parking surfaces, structural walls, and storage areas in order to enhance the aesthetic quality of General Industrial developments. Staff recommended the Applicant provide fencing and sufficient landscaping to adequately screen the proposed uses. Staff also recommended a condition of approval to ensure landscaped areas are maintained for the life of the proposed use. In response, the Applicant has agreed to a condition of approval enclosing the storage area with fencing. Regarding landscape buffering, the Applicant notes the property is subject to the Dulles Trade Center West commercial property owners association which requires buffer plantings between lots similar to the Type 4 buffers requirements of the 1993 Revised Zoning Ordinance (i.e. a combination of understory and canopy trees, shrubs, and evergreen trees). The buffer yard is not otherwise required between adjacent PD-GI properties; however, the Applicant has agreed to a condition of approval stating the landscaped areas will be maintained for the life of the special exception use.

Lighting

Loudoun County policies stress the application of lighting standards which reduce unnecessary light pollution and energy waste while improving nighttime visibility and enhancing public safety. To achieve the land use goals of the RGP, Staff has included a condition of approval which will require the Applicant to install storage area lighting that is directed downward and shielded to reduce glare and light trespass. The applicant has agreed to conditions of approval committing to lighting standards to include full cut-off fixtures to reduce light trespass.

ENVIRONMENTAL REVIEW

Building Efficiency / LEED

RGP policies state the County will emphasize its role as a leader, facilitator, and source of information on environmental design options and procedures rather than a regulator when implementing its program for achieving and sustaining a built environment of high quality. As noted above, the proposed storage area is designed around the Green Infrastructure identified on the subject site (steep slopes, river and stream corridor) and will incorporate BMP/LID stormwater management techniques to treat stormwater runoff.

The County also supports energy efficiency in building construction and suggests land use proposals incorporate the Green Building Practices endorsed by the United States Green Building Council's Leadership and Energy and Environmental Design (LEED). Staff provided additional recommendations regarding the reclamation of water used to wash vehicles and containers in the adjacent by-right fleet maintenance facility prior to staging within the storage area. In response, the Applicant has stated they will consider green building standards during the design of the vehicle wash area.

ZONING

The subject site is zoned PD-GI (Planned Development – General Industrial) and is subject to the Revised 1993 Zoning Ordinance. The proposed storage of empty solid waste vehicles and containers is listed as a Special Exception use under Section 4-604(TT).

Zoning staff reviewed the application and recommended a number of note, reference, and graphic changes to the Special Exception Plat. The Applicant has incorporated revisions, as requested, on the plat dated March 7, 2008, and revised through June 1, 2009.

TRANSPORTATION

Existing, Planned and Programmed Roads

Access is currently provided on Trade West Drive, a four-lane undivided roadway. Trade West Drive connects to Evergreen Mills Road (Route 621) west of Arcola Road (Route 842).

Evergreen Mills Road is a two-lane paved local road with shoulder and ditch. There are left and right turn lanes at the intersection of Evergreen Mills Road and Trade West Drive. Arcola Road is a rural unpaved two lane road with no shoulder and ditch.

The Applicant's traffic study indicates that the proposed special exception would generate 43 trips both in the weekday AM and PM peak hours. This represents

decreases in both peak hours when compared to the current by-right (light industrial) trip generation potential (43% reduction in the AM peak and a 46% reduction in the PM peak).

Summary of Transportation Issues / Improvements

The Applicant's traffic study demonstrates adequate Levels of Service (LOS) C or better for roadways anticipated to serve the proposed use both under existing conditions and upon the forecasted build-out (2012). The Countywide Transportation Plan (CTP) specifies a LOS D or better as an acceptable level of service.

OTS staff has recommended the applicant provide two connections to the regional road network via Trade West Drive (i.e. Evergreen Mills Road and Arcola Road) due to the planned alignment of Route 606 Extended which identifies Arcola Road (Route 842) and Trade West Drive as part of the alignment. The planned road would limit full access to the site from Trade West Drive. Access is currently restricted from Trade West Drive to Arcola Road by a double row of chains. The Applicant notes access from Trade West Drive to Arcola Road is for emergency access only. There is no entry permit for the connection. The issue continues to be discussed with the Applicant.

OTS staff has asked the applicant to determine whether a traffic study has been completed assessing what intersection improvements at Evergreen Mills Road and Arcola Road, if any, are necessary to support Dulles Trade Center West at build-out. Lastly, consistent with the recommendation of CTP Index 1 for Route 606 Extended, OTS staff has asked the Applicant identify the pedestrian facilities that are to be provided adjacent to the subject site along Trade West Drive. The requested information continues to be discussed with the Applicant.

OFFICE OF SOLID WASTE MANAGEMENT (OSWM)

Chapter 1084 of the Codified Ordinances of Loudoun County (the "Solid Waste Collection and Transportation Ordinance") regulates the collection of solid waste and recyclable material in Loudoun County as well as the storage of solid waste and recyclable material collection vehicles and containers. No collection company may conduct any portion of its business in Loudoun County without a valid permit under Chapter 1084. The occupant of the subject property must maintain a collector's permit issued annually by the OSWM in order to lawfully store collection vehicles and containers on the subject site. A collector's permit identifies vehicle type, number of vehicles, collection area, disposal area, and equipment storage location.

As noted above, the proposed outdoor storage yard will be operated by KMG Hauling Inc. (KMG), a professional refuse management and disposal service. KMG will be relocating to this site from Bryant Court in Sterling. KMG has been issued NOV's (Notices of Violation) by the OSWM and Zoning Administration for unlawful storage of collection vehicles and containers at the Sterling property. These NOV's have been appealed by KMG and are awaiting resolution before the County Administrator and the

Board of Zoning Appeals. The owner of KMG, Hugo Garcia, has stated that he plans to remain at the Bryant Court location until approval of this SPEX and subsequent site plan, at which time he will relocate his fleet to the subject site.

OSWM staff recommended a notation on the Special Exception Plat stating that the proposed special exception use is regulated under Chapter 1084 of the Codified Ordinances of Loudoun County. Staff also recommended a condition of approval stating collection vehicles and containers shall not be stored on the site prior to Zoning Permit approval for the use. In response, the Applicant has added the requested notation to Sheet 1 of the Plat and has agreed to the recommended condition of approval.

FIRE AND RESCUE

Fire and Rescue Staff has no objection to the approval of this application. The Arcola-Pleasant Valley Volunteer Fire Department (Station 9) is identified as the first responder to the subject property.

Per the adopted Board Fire and Rescue Policy, all applicants are requested to provide a one-time contribution of \$0.10 per gross square foot to be distributed to the primary volunteer fire and rescue agencies, escalated annually from the base year when the policy was adopted (1988). Escalated to 2009 (\$0.18), the requested contribution is approximately \$9,990.00. A fire-rescue contribution has not been provided by the Applicant.

D. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1310 of the Revised 1993 Loudoun County Zoning Ordinance states "In considering a special exception application, the following factors shall be given reasonable consideration. The Applicant shall address all the following in its statement of justification or special exception plat unless not applicable, in addition to any other standards imposed by this Ordinance":

<u>Standard</u>	(A) <i>Whether the proposed special exception is consistent with the Comprehensive Plan.</i>
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<u>Analysis</u>	As outlined and discussed above in Section C, Overall Analysis, <u>Revised General Plan</u> (RGP) policies designate the subject site for Industrial uses. The use of the subject site for a by-right contractor service establishment and the proposed special exception use to store empty solid waste vehicles and roll-off containers at the rear of the site are in conformance with the RGP's vision for Industrial areas. Subject to development conditions regarding screening, reduction of light trespass, and stormwater management, the proposed special exception will be in accordance the RGP.
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Standard (B) *Whether the proposed special exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

Analysis The proposed uses will provide effective measures of fire control that meet all state and local fire safety requirements and regulations.

Standard (C) *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

Analysis The proposed special exception use is not anticipated to generate noise which will negatively impact similarly planned properties in the immediate area (Industrial).

Standard (D) *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.*

Analysis A condition of approval requires the applicant to install restrictive lighting fixtures to minimize glare and light trespass onto the immediate area.

Standard (E) *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

Analysis The RGP designates the Dulles Trade Center West development and surrounding area for Industrial use. The subject property and adjoining properties are similarly zoned consistent with the land use designation (PD-GI).

Standard (F) *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

Analysis The vegetative buffer requirements of the commercial property's owners association applicable to the subject property will screen the proposed special exception use from surrounding uses. A condition of approval requires opaque fencing around the proposed storage yard.

Standard (G) *Whether the proposed special exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.*

Analysis No topographic or physical, natural, scenic, archeological, or historic features of significant importance has been identified on the subject

property as stated in the professional studies submitted by the Applicant.

Standard (H) *Whether the proposed special exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.*

Analysis Major floodplain and forest cover are present on the western portion of the site which includes the stream channel of Broad Run. The remainder of the site has been extensively filled, graded and elevated with man-made steep slopes. No ground-disturbing activities are proposed on the site beyond those areas which had been previously graded. The Applicant will retain existing natural features outside the limits of grading and clearing necessary to accommodate the storage area. No Endangered and Threatened Species (ETS), rare plant species, or rare plant communities were observed on the Property.

Public water and sanitary sewer will be provided to the site. Conditions of approval will require multiple commitments to groundwater quality.

It is not anticipated that the proposed uses will negatively affect natural features, wildlife habitat, vegetation or air quality. The application preserves appropriate environmental resources on the Property and the disturbance to wildlife habitat is acceptable.

Standard (I) *Whether the proposed special exception at the specified location will contribute to or promote the welfare or convenience of the public.*

Analysis Industrial uses and activities associated with industrial uses such as outdoor storage make them incompatible with residential development. RGP policies state such development is best located away from major roads, accessed from within the industrial park. The proposed special exception use is consistent with these policies, therefore promoting the welfare of the public.

Standard (J) *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.*

Analysis As discussed above, OTS Staff has evaluated the traffic impacts identified in the applicant's traffic study. The applicant's traffic study demonstrates adequate Levels of Service (LOS) C or better for roadways anticipated to serve the proposed use both under

existing conditions and upon the forecasted build-out (2012). The Countywide Transportation Plan (CTP) specifies a LOS D or better as an acceptable level of service. OTS has requested additional information regarding site access and pedestrian connections adjacent to Trade West Road.

Standard (L) *Whether the proposed special exception will be served adequately by essential public facilities and services.*

Analysis As identified in the attached referral agency comments, the proposed special exception uses will be adequately served by existing public facilities and services.

Standard (M) *The effect of the proposed special exception on groundwater supply.*

Analysis The proposed special exception uses are not anticipated to have an adverse affect on the County's ground water supply. Public water and sanitary sewer service will be provided by Loudoun Water (formerly LCSA). Conditions of approval require stormwater management / Best Management Practices (BMPs) and other conservation measures.

Standard (N) *Whether the proposed use will affect the structural capacity of the soils.*

Analysis The proposed storage area is not anticipated to affect the structural capacity of the soils.

Standard (O) *Whether the proposed use will negatively impact orderly and safe road development and transportation.*

Analysis See the staff analysis of Standard (J) above.

Standard (P) *Whether the proposed special exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*

Analysis The proposed special exception will facilitate desirable employment in support of the planned land use designation of the area (Industrial), thereby enlarging the County's tax base.

Standard (Q) *Whether the proposed special exception considers the needs of agriculture, industry, and businesses in future growth.*

Analysis The proposed special exception uses are intended to support existing and future resident populations based on the County's land use plan and will not negatively impact existing and future agriculture, industry, and businesses.

Standard (R) *Whether adequate on and off-site infrastructure is available.*

Analysis Adequate on and off-site infrastructure will be provided prior to use of the proposed storage area.

Standard (S) *Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.*

Analysis The proposed special exception use is not anticipated to generate odors which will negatively impact similarly planned properties in the immediate area (Industrial). Solid waste vehicles and storage containers will be emptied and washed prior to staging within the storage area.

Standard (T) *Whether the proposed special exception uses sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.*

Analysis Existing and proposed road networks serving the proposed special exception use will divert construction traffic away from existing neighborhoods and school areas.

VI. ATTACHMENTS (UNLESS NOTED OTHERWISE, ATTACHMENTS ARE NOT AVAILABLE ELECTRONICALLY BUT MAY BE OBTAINED FROM THE DEPARTMENT OF PLANNING)	PAGE NUMBER
1. Review Agency Comments	
a. Planning, Comprehensive Planning (05/11/09, 02/25/09)	A-1
b. Building and Development, Environmental Review Team (05/29/09, 02/20/09)	A-9
c. Building and Development, Zoning (05/15/09, 02/25/09)	A-13
d. Planning, Community Information and Outreach (05/15/09, 03/02/09)	A-17
e. Office of Solid Waste Management (05/26/09, 02/25/09)	A-21
f. Office of Transportation Services (05/30/09, 02/25/09)	A-29
g. Virginia Department of Transportation (02/24/09)	A-39
h. Department of General Services (03/04/09)	A-43
i. Loudoun Water (LCSA) (02/23/09)	A-45
j. Health Department (01/29/09)	A-47
k. Fire, Rescue, and Emergency Services (03/02/09)	A-49
2. Disclosure of Real Parties in Interest (05/12/09)	A-51
3. Applicant's Response to Referral Comments (06/02/09, 04/22/09)	A-67
4. Applicant's Statement of Justification (01/05/09)	A-101
5. Plat / Exhibit (revised through 06/01/09)	Follows A-108